
PRELIMINARY DRAFT
No. 3334

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2009 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 33-25-1.

Synopsis: Indiana court of appeals. Establishes the sixth district of the court of appeals of Indiana as of January 1, 2010. Provides that the entire state constitutes the sixth district.

Effective: Upon passage; January 1, 2010.



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 33-25-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. The court of appeals consists of ~~fifteen (15)~~ **eighteen (18)** judges, who serve for the hearing and decision of causes in ~~five (5)~~ **six (6)** geographic districts described in section 2 of this chapter under Article 7, Section 5 of the Constitution of the State of Indiana.

SECTION 2. IC 33-25-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2. Indiana is divided into ~~five (5)~~ **six (6)** geographic districts, which shall be designated as the "court of appeals - First District; Second District; Third District; Fourth District; ~~and~~ Fifth District; **and Sixth District**" as follows:

(1) First District: Bartholomew, Boone, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd, Fountain, Franklin, Gibson, Greene, Hancock, Harrison, Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick, Washington, and Wayne.

(2) Second District: Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells, and White.

(3) Third District: Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

(4) The entire state constitutes the Fourth District.

(5) The entire state constitutes the Fifth District.

(6) The entire state constitutes the Sixth District.

SECTION 3. IC 33-25-1-3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. (a) Judges of
 2 the First, Second, and Third Districts of the court of appeals must have
 3 resided in their respective districts before appointment to the court.
 4 However, judges of the court of appeals appointed before July 1, 1993,
 5 must reside in the district from which they are appointed.

6 (b) The following requirements apply to judges of the Fourth, ~~and~~
 7 Fifth, **and Sixth** Districts of the court of appeals:

8 (1) One (1) judge must have resided in the First District before
 9 appointment to the court.

10 (2) One (1) judge must have resided in the Second District before
 11 appointment to the court.

12 (3) One (1) judge must have resided in the Third District before
 13 appointment to the court.

14 (c) When a vacancy is created in the court of appeals, the individual
 15 who is appointed by the governor to fill the vacancy must be a resident
 16 of the district in which the vacancy occurred.

17 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) **The judicial**
 18 **nominating commission shall, in accordance with IC 33-27-3,**
 19 **nominate three (3) candidates for each of the three (3) judgeships**
 20 **for the court of appeals - Sixth District created by IC 33-25-1, as**
 21 **amended by this act. The commission shall submit the nominations**
 22 **to the governor before November 1, 2009.**

23 (b) **The governor shall appoint the three (3) initial judges of the**
 24 **court of appeals - Sixth District from the list of nominees submitted**
 25 **by the judicial nominating commission before January 1, 2010. The**
 26 **effective date of the appointments is January 1, 2010.**

27 (c) **The Indiana department of administration, with the**
 28 **approval of the chief judge of the court of appeals, shall arrange**
 29 **for facilities for the court of appeals - Sixth District in Indianapolis**
 30 **before January 1, 2010.**

31 (d) **This SECTION expires January 2, 2010.**

32 SECTION 5. **An emergency is declared for this act.**

